

JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

FILED

E-FILING

2008 FEB 20 P 2:52

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DAVID LOUIS BEHAR,  
LINDSAY ROBIN HOGUE,  
TARA BERGSTRAND, and  
JOHN ROGER LAGACE,  
a/k/a Brandon Draper,

Defendants.

CR No. CR 08 00088

VIOLATIONS: 21 U.S.C. §§ 846 –  
Conspiracy to Distribute lysergic acid  
diethylamide (LSD); 18 U.S.C. § 4 –  
Misprision of a Felony

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

Beginning at a time unknown to the United States, but no later than November 28, 2007,  
and continuing through and including November 29, 2007, in the Northern District of California  
and elsewhere, the defendant,

DAVID LOUIS BEHAR,  
did knowingly and intentionally conspire with other persons, known and unknown, to distribute 5  
grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly known  
as LSD, in violation of Title 21, United States Code, Section 846.

INFORMATION

1 COUNT TWO: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

2 Beginning at a time unknown to the United States, but no later than November 28, 2007,  
3 and continuing through and including November 29, 2007, in the Northern District of California  
4 and elsewhere, the defendant,

5 JOHN ROGER LAGACE,  
6 a/k/a Brandon Draper,

7 did knowingly and intentionally conspire with other persons, known and unknown, to distribute  
8 27 grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly  
9 known as LSD, in violation of Title 21, United States Code, Section 846.

10  
11 COUNT THREE: (18 U.S.C. § 4 – Misprision of a Felony)

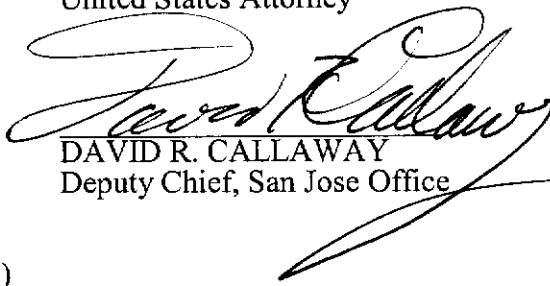
12 On or about November 2007, in the Northern District of California, and elsewhere, the  
13 defendants,

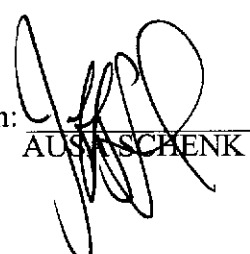
14 LINDSAY ROBIN HOGUE, and  
15 TARA BERGSTRAND,

16 having knowledge of the actual commission of a felony cognizable by a court of the United  
17 States, to wit: conspiracy to distribute LSD, did knowingly conceal and fail as soon as possible to  
18 make known the commission of said felony to a judge and any other person in civil authority  
19 under the United States, all in violation of Title 18, United States Code, Section 4.

20 DATED: 2/20/08

21 JOSEPH P. RUSSONIELLO  
22 United States Attorney

23   
24 DAVID R. CALLAWAY  
25 Deputy Chief, San Jose Office

26 (Approved as to form: )

27 AUSCHENK  
28

INFORMATION

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 21 U.S.C. Section 846 -  
 CONSPIRACY TO DISTRIBUTE  
 5 GRAMS AND MORE OF LSD
**E-FILING**
☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 minimum mandatory term of 5 years imprisonment  
 maximum term of 40 years imprisonment  
 \$2,000,000 fine; \$100 special assessment  
 at least 4 years of Supervised Release
**PROCEEDING**
 Name of Complainant Agency, or Person (& Title, if any)  
 DRUG ENFORCEMENT ADMINISTRATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

07-70709 HRL

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM
**JOSEPH P. RUSSONIELLO**
☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

JEFFREY B. SCHENK

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

DAVID L. BEHAR

DISTRICT COURT NUMBER

 CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CAL. S.J.
**JW  
RS****CR****08 00088**

DEFENDANT

**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**18 U.S.C. Section 4 -  
MISPRISION OF A FELONY☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**E-FILING****PENALTY:**maximum term of 3 years imprisonment  
\$250,000 fine  
\$100 special assessment  
3 years Supervised Release**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
DRUG ENFORCEMENT ADMINISTRATION☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
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CASE NO.

07-70709 HRL

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(if assigned)**JEFFREY B. SCHENK**

DEFENDANT U.S.

LINDSAY ROBIN HOGUE

DISTRICT COURT NUMBER

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NORTHERN DISTRICT OF CALIFORNIA

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AO 257 (Rev. 6/78)

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(if assigned)

JEFFREY B. SCHENK

DEFENDANT - U.S.

TARA BERGSTRAND

U.S. DISTRICT COURT NUMBER

CR 08 00088

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27 GRAMS AND MORE OF LSD☐ Petty  
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maximum term of life imprisonment  
\$4,000,000 fine; \$100 special assessment  
at least 5 years of Supervised Release**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
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